

AMENDED IN ASSEMBLY JUNE 3, 2003

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 539**

**Introduced by Assembly Member Laird**

February 18, 2003

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An act to amend Section 1766 of the Business and Professions Code, relating to healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 539, as amended, Laird. Dentistry: dental hygienists.

Existing law provides for the regulation of dental auxiliaries by the Committee on Dental Auxiliaries, under the jurisdiction of the Dental Board of California. Existing law defines the practice of dental hygiene and authorizes a dental hygienist to perform specified procedures under direct, general, and no supervision. Existing law, with specified exceptions, prohibits a person other than a licensed dental hygienist or a licensed dentist from engaging in the practice of dental hygiene or the performance of dental hygiene patient procedures.

This bill would require the board to authorize and license ~~as a dental hygienist a 3rd- or 4th-year~~ 3rd- or 4th-year dental student who is in good standing in an accredited California dental school *as a dental hygienist*. *The bill would specify that these students may practice as registered dental hygienists only in dental practices that serve patients insured by Denti-Cal, the Healthy Families Program, or other government programs, or that charge fees based on income.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1766 of the Business and Professions  
2     Code is amended to read:  
3     1766. (a) The board shall license as a registered dental  
4     hygienist a person who satisfies all of the following requirements:  
5     (1) Completion of an educational program for registered dental  
6     hygienists, approved by the board, and accredited by the  
7     Commission on Dental Accreditation, and conducted by a  
8     degree-granting, postsecondary institution or a third- or  
9     fourth-year dental student in good standing in an accredited  
10    California dental school.  
11    (2) Satisfactory performance on an examination required by  
12    the board.  
13    (3) Satisfactory completion of a national written dental  
14    hygiene examination approved by the board.  
15    (b) The board may grant a license as a registered dental  
16    hygienist to an applicant who has not taken an examination before  
17    the board, if the applicant submits all of the following to the board:  
18    (1) A completed application form and all fees required by the  
19    board.  
20    (2) Proof of a current license as a registered dental hygienist  
21    issued by another state that is not revoked, suspended, or otherwise  
22    restricted.  
23    (3) Proof that the applicant has been in clinical practice as a  
24    registered dental hygienist or has been a full-time faculty member  
25    in an accredited dental hygiene education program for a minimum  
26    of 750 hours per year for at least five years preceding the date of  
27    his or her application under this section. The clinical practice  
28    requirement shall be deemed met if the applicant provides proof  
29    of at least three years of clinical practice and commits to  
30    completing the remaining two years of clinical practice by filing  
31    with the board a copy of a pending contract to practice dental  
32    hygiene in any of the following facilities:  
33    (A) A primary care clinic licensed under subdivision (a) of  
34    Section 1204 of the Health and Safety Code.



1 (B) A primary care clinic exempt from licensure pursuant to  
2 subdivision (c) of Section 1206 of the Health and Safety Code.

3 (C) A clinic owned or operated by a public hospital or health  
4 system.

5 (D) A clinic owned and operated by a hospital that maintains  
6 the primary contract with a county government to fill the county's  
7 role under Section 17000 of the Welfare and Institutions Code.

8 (4) Proof that the applicant has not been subject to disciplinary  
9 action by any state in which he or she is or has been previously  
10 licensed as a registered dental hygienist or dentist. If the applicant  
11 has been subject to disciplinary action, the board shall review that  
12 action to determine if it warrants refusal to issue a license to the  
13 applicant.

14 (5) Proof of graduation from a school of dental hygiene  
15 accredited by the Commission on Dental Accreditation.

16 (6) Proof of satisfactory completion of the Dental Hygiene  
17 National Board Examination and of a state or regional clinical  
18 licensure examination.

19 (7) Proof that the applicant has not failed the examination for  
20 licensure to practice dental hygiene under this chapter more than  
21 once or once within five years prior to the date of his or her  
22 application for a license under this section.

23 (8) Documentation of completion of a minimum of 25 units of  
24 continuing education earned in the two years preceding  
25 application, including completion of any continuing education  
26 requirements imposed by the board on registered dental hygienists  
27 licensed in this state at the time of application.

28 (9) Any other information as specified by the board to the  
29 extent that it is required of applicants for licensure by examination  
30 under this article.

31 (c) The board may periodically request verification of  
32 compliance with the requirements of paragraph (3) of subdivision  
33 (b), and may revoke the license upon a finding that the  
34 employment requirement or any other requirement of paragraph  
35 (3) has not been met.

36 (d) The board shall provide in the application packet to each  
37 out-of-state dental hygienist pursuant to this section the following  
38 information:

39 (1) The location of dental manpower shortage areas in the state.

(2) Any not-for-profit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

(e) The board shall review the impact of this section on the availability of actively practicing dental hygienists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2006. The report shall include a separate section providing data specific to dental hygienists who intend to fulfill the alternative clinical practice requirements of subdivision

(b). The report shall include, but not be limited to, the following:

(1) The number of applicants from other states who have sought licensure.

(2) The number of dental hygienists from other states licensed pursuant to this section, the number of licenses not granted under this section, and the reason why the license was not granted.

(3) The practice location of dental hygienists licensed pursuant to this section.

(4) The number of dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing dental hygienists or no dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (b).

(5) The length of time dental hygienists licensed pursuant to this section practiced in the reported location.

(f) In identifying a dental hygienist's location of practice, the board shall use medical service study areas or other appropriate geographic descriptions for regions of the state.

(g) *For purposes of this section, a third- or fourth-year dental student who becomes a registered dental hygienist may only practice in a dental practice that serves patients who are insured under Denti-Cal, the Healthy Families Program, or other governmental programs, or a dental practice that has a sliding scale fee system based on income.*